

APPENDIX A

1 (Currently Amended). A method for data transmissions from a server, comprising the steps of:

- configuring a maximum bandwidth for at least one data transmission;
- determining the maximum bandwidth for the at least one data transmission;
- determining a delay for the at least one data transmission based on the maximum bandwidth specified, wherein the step of determining a delay determines the delay based on at least a data packet size, bandwidth, and number of sessions, and wherein the step of determining a delay determines the delay from a formula of:

$$D = 1000 * (1 / (B * 1000000)) * P * 8 * S$$

where D is the delay in milliseconds, B is a bandwidth in megabits per second, P is a data packet size in bytes, and S is a maximum number of sessions; and

- transmitting the at least one data transmission after the delay has expired.

2 (Original). The method of claim 1, wherein the server comprises a trivial file transfer protocol server.

3 (Original). The method of claim 1, further comprising the step of:

e) enabling the user to specify a maximum number of sessions that may be operated substantially simultaneously.

4 (Original). The method of claim 3, wherein the delay is based on at least the maximum number of sessions specified.

5 (Original). The method of claim 1, wherein the delay comprises a time delay.

6 (Original). The method of claim 1, wherein the delay is based on at least a number of data transmissions.

7 (**Canceled**).

8 (**Canceled**).

9 (Original). The method of claim 1, wherein the step of configuring configures the maximum bandwidth based on a desired bandwidth specified by a user.

10 (Original). The method of claim 1, wherein the step of configuring configures the maximum bandwidth based on a predetermined value.

11 (**Currently Amended**). A system for data transmissions from a server, comprising:

a maximum bandwidth configuring module that configures a maximum bandwidth for at least one data transmission;

a maximum bandwidth determining module that determines the maximum bandwidth for the at least one data transmission;

a delay determining module that determines a delay for the at least one data transmission based on the maximum bandwidth specified, wherein the delay determining module determines the delay based on at least a data packet size, bandwidth, and number of sessions, and wherein the delay determining module determines the delay from a formula of:

$$D = 1000 * (1 / (B * 1000000)) * P * 8 * S$$

where D is the delay in milliseconds, B is a specified bandwidth in megabits per second, P is a data packet size in bytes, and S is a maximum number of sessions; and

a transmitting module that transmits the at least one data transmission after the delay has expired.

12 (Original). The system of claim 11, wherein the server is a trivial file transfer protocol server.

13 (Original). The system of claim 11, further comprising a session specifying module that enables the user to specify a maximum number of sessions that may be operated substantially simultaneously.

14 (Original). The system of claim 13, wherein the delay is based on at least the maximum number of sessions specified.

15 (Original). The system of claim 11, wherein the delay comprises a time delay.

16 (Original). The system of claim 11, wherein the delay is based on at least a number of data transmissions.

17 (Canceled).

18 (Canceled).

19 (Original). The system of claim 11, wherein the maximum bandwidth configuring module configures the maximum bandwidth based on a desired bandwidth specified by a user.

20 (Original). The system of claim 11, wherein the maximum bandwidth configuring module configures the maximum bandwidth based on a predetermined value.

21. (Previously Presented). The method of claim 1, wherein the maximum bandwidth is specified by a user.

22. (Previously Presented). The system of claim 11, wherein the maximum bandwidth is specified by a user.

23. (**New**). The method of claim 1, wherein the data transmission is sent from the server to a cable modem.

24. (**New**). The system of claim 11, wherein the data transmission is sent from the server to a cable modem.